

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KRAUS INDUSTRIES, INC.,	)	
d/b/a OLSON INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1788
	)	Judge Terrence F. McVerry
COLONY INSURANCE COMPANY	)	Magistrate Judge Lisa Pupo Lenihan
	)	
Defendant.	)	

**ORDER**

AND NOW, upon consideration of Plaintiff's Motion to Compel (Doc. No. 21), Defendant's Response, and Plaintiff's Reply, it is hereby ORDERED that Defendant shall fully respond to Plaintiff's outstanding discovery requests within thirty (30) days of the date of this Order.

Defendant's Response to the Motion amounts to an assertion that persistence in violating the discovery rules of the Federal courts, if of sufficient duration, may eventually excuse a party's non-compliance. This Court should not have to point out that, to the contrary, the flouting of its discovery rules cannot be absolved by the passage of time. Plaintiff served discovery within the discovery period appointed by this Court. Defendant failed to respond. It must do so.



LISA PUPO LENIHAN  
United States Magistrate Judge

Dated: January 19, 2006

cc: Michael J. McShea, Esq.  
Malone Middleman, P.C.  
Northridge Office Plaza  
117 VIP Drive, Suite 310  
Wexford, PA 15090  
Counsel for Plaintiff

Theodore M. Schaer, Esq.  
Zarwin, Baum, DeVito, Kaplan,  
Schaer & Toddy, P.C.  
1515 Market St., Suite 1200  
Philadelphia, PA 19102  
Counsel for Defendant